

SEP 27 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: SHASTA PAPER COMPANY,

Debtor,

CELESTE DRAISNER; et al.,

Appellants,

v.

SHASTA PAPER COMPANY; et al.,

Appellees.

No. 04-15077

BAP No. EC-03-01051-MaPRy

MEMORANDUM^{*}

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Marlar, Perris, and Ryan, Bankruptcy Judges, Presiding

Submitted September 12, 2005^{**}

Before: REINHARDT, RYMER, and HAWKINS, Circuit Judges.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Celeste Draisner and other citizens of Shasta County (“Citizens”) appeal from the decision of the Bankruptcy Appeals Panel (“BAP”) dismissing for lack of standing their appeal from the bankruptcy court’s order approving Trustee John W. Reger’s motion to sell emission reduction credits to Knauf Fiber Glass. We have jurisdiction pursuant to 28 U.S.C. § 158(d). Reviewing for clear error, *McClellan Fed. Credit Union v. Parker (In re Parker)*, 139 F.3d 668, 670 (9th Cir. 1998), we affirm the BAP’s factual determination that the Citizens did not qualify as “aggrieved parties.” *See Duckor Spradling & Metzger v. Baum Trust (In re P.R.T.C., Inc.)*, 177 F.3d 774, 777 (9th Cir. 1999). Accordingly, the BAP properly dismissed the appeal for lack of standing. *See id.*

AFFIRMED.